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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,218	02/27/2002	Sunit B. Mangalvedhekar	075635.0104	6967

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

RECEK, JASON D

ART UNIT	PAPER NUMBER
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2442

NOTIFICATION DATE	DELIVERY MODE
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05/11/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail4@bakerbotts.com
IPDadmin.us@siemens.com

Office Action Summary	Application No.	Applicant(s)	
	10/085,218	MANGALVEDHEKAR, SUNIT B.	
	Examiner	Art Unit	
	JASON RECEK	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,16-25,27-35 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,16-25,27-35 and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>19 March 2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to the RCE filed on March 19th 2009.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/09 has been entered.

Status of Claims

Claims 1-2, 4-14, 16-25, 27-35 and 37-50 are pending.

Claims 1-2, 4-14, 16-25, 27-35 and 37-50 are rejected under 35 U.S.C 103(a).

Response to Arguments

2. Applicant's arguments, see pg. 12-13 filed 3/19/09, with respect to the rejection(s) of claim(s) 1, 2, 4-14, 16-25, 27-35 and 37-50 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

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However, upon further consideration, a new ground(s) of rejection is made in view of Beyda et al. US 6,505,237 B2.

3. Applicant argues that Hughes fails to disclose "generating, by the client, the one or more files for uploading to the server; generating, by the client, a profile associated with each of the one or more files; and uploading, by the client, the profile and the each of the one or more files to the server" as recited by claim 12. This argument is not persuasive because Hughes does disclose this process. The profiles are generated by the configuration server depending on what files are requested (col. 8 ln. 5-8, 38-40) these profiles and files are then 'uploaded' to the local server (col. 5 ln. 30-32). The local server of Hughes does not have to be the same server as the configuration server (Fig. 1 100, 104). Although Hughes uses the word 'server' to describe both machines the server farm 'uploads' to the local server thus behaving as a client/server architecture. Applicant further argues that this disclosure does not anticipate claim 12 because the server farm and client are two different things. This argument is persuasive, however it would have been obvious in light of Hughes. Hughes discloses the functions (requesting, uploading, etc.), one of ordinary skill in the art would have recognized that the server farm is similar to a proxy and functionality could be further passed down to the client. See the rejection below.

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4. Applicant's arguments concerning claims 47-50 have been fully considered but they are not persuasive. Hughes discloses that files "need" access to other files in order to be used (col. 8 ln. 5-40).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-14, 16-25, 27-35 and 37-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes US 6,584,009 B1 in view of Beyda et al. US 6,505,237 B2.

2. As to claim 1, Hughes discloses a method of accessing, by a client, one or more files (*Fig. 2, computer programs or application programs*) residing in a server (*Fig. 2, server 204*) comprising: requesting, by the client, downloading of a selected file (*an OS file or a configuration file*) residing in the server, the selected file needing access, either directly or indirectly, to at least one associated file (*an application file or a program file or a file or a frequently-used file/application*) in order (*in hierarchical order, col 8, lines 55-62*) to be used (*col 7, line 61 - col 8, line 62*),. the selected file including instructions (*Fig. 14, interdependent programs sharing a common dependency codes, col 23, line 53 – col 24, line 55*) to access the at least one associated file, the selected file further being associated with at least one profile (*one of the users profiles, col. 7, lines 60-64*)

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identifying, for download, only the least one associated file (*Fig. 2, 14, col 5, line 5- col 8, ln. 5-8; col 10, lines 21-34; Fig. 14, col 23, line 13 - col 24, line 64*); in response to requesting downloading of the selected file, initiating downloading of the selected file and automatically determining the identity of and initiating downloading of the at least one associated file of the selected file to occur at substantially the same time as the selected file (*Fig. 2, 13, 14, col. 5, line 5- col 8, line 50; col 10, lines 21- 34; Fig. 13, col 21, lines 15-25; Fig. 14, line 13 - col 24, line 64*); and initiating storing, in a memory (*Fig. 3, USB hard drive 340, col. 10, lines 24-43*) associated with the client, of the selected file and the at least one associated file under respective local identifiers (*codes or identifiers or links*) (*Fig. 2, 13, 14, col 5, line 5- col. 8, line 50; col. 10, lines 21-34; Fig. 13, col. 21, lines 15-25; Fig. 14, col. 23, line 13- col. 24, line 64*).

The heart of the invention is providing accessing a particular file or program and all of its associated files automatically and efficiently by the computer users. Hughes exactly was directed to the same purpose, i.e., to provide accessing a computer programs files, applications programs files and their update files anywhere in the network automatically and easily by the computer users.

Hughes does not explicitly disclose “automatically determining, at the client, the identity of ... at least one associated file” however this is taught by Beyda as a client device that automatically identifies attached files (col. 4 ln. 39-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hughes

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with the automatically client file identification feature taught by Beyda for the purpose of downloading required files. Hughes and Beyda both suggest that user convenience is increased when the system performs these functions automatically.

As to claim 2, Hughes discloses maintaining, by a document manager residing in the server, respective profiles of the one or more files (*Fig. 2, 13, 14, col. 5, line 5 - col 8, line 50; col. 10, lines 21-34; Fig. 13, col 21, lines 15-25; Fig. 14, col 23, line 13 - col 24, line 64*).

As to claim 4, Hughes discloses, wherein the profile identifies the at least one associated file by the Uniform Resource Locator (*a link or a location reference, col. 21, lines 25-60; col 22, lines 55-60*) (*Fig. 2, 13, 14, col. 5, line 5- col 8, line 50; col 10, lines 21-34; Fig. 13, col 21, lines 15-25; Fig. 14, col 23, line 13- col 24, line 64*).

As to claim 5, Hughes discloses, wherein automatically determining the identity of and initiating downloading of the at least one associated file comprises examining a profile of the selected file, the profile identifying the at least one associated file (*Fig. 2, 13, 14, col 5, line 5- col 8, line 50; col. 10, lines 21-34; Fig. 13, col 21, lines 15-25; Fig. 14, col. 23, line 13- col. 24, line 64*).

As to claim 6, Hughes discloses, maintaining a respective status file (*col. 15, lines 15-30; col 17, lines 19-38*) for each of the selected file and the at least one associated file, each status file indicating one or more properties of the respective selected file and the at least one associated file (*Fig. 2, 13, 14, col. 5, line 5 - col. 8, line 50; col. 10, lines 21-34; Fig. 13, col 21, lines 15-25; Fig. 14, col 23, line 13 - col. 24, line 64*).

As to claim 7 Hughes discloses, wherein the status file is a cookie file (*a configuration file*) (*Fig. 2, 13, 14, col. 5, line 5- col. 8, line 50; col. 10, lines 21-34; Fig. 13, col 21, lines 15-25; Fig. 14, col. 23, line 13- col. 24, line 64*).

As to claim 8, Hughes discloses, wherein the status file consists solely of a timestamp (*col. 18, lines 10-19*) indicative of a time of download (*Fig. 2, 13, 14, col. 5, line 5- col 8, line 50; col 10, lines 21-34; Fig. 13, col 21, line 15- col 2, line 67; 25; Fig. 14, col: 23, line 13- col 24, line 64*).

As to claim 9, Hughes discloses, wherein the status file comprises a timestamp indicative of a time of download, a check out status, and respective identities of the at least one associated file (*Fig. 2, 13, 14, col 5, line 5- col. 8, line 50; col. 10, lines 21-34; Fig. 13, col 21, line 15- col 2, line 67; 25; Fig. 14, col. 23, line 13 - col 24, line 64*)

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16. As to claim 10, Hughes discloses, wherein the memory associated with the client is a root of a cache, the root identified by a root directory identifier (*Fig. 2, 13, 14, col. 5, line 5- col 8, line 50; col 10, lines 21-34; Fig. 13, col. 21, line 15- col. 2, line 67; 25; Fig. 14, col. 23, line 13- col 24, line 64*).

As to claim 11, Hughes discloses, wherein each of the respective local identifiers comprises the root directory identifier (*Fig. 2, 13, 14, col 5, line 5 - col 8, line 50; col 10, lines 21-34; Fig. 13, col 21, line 15- col 2, line 67; 25; Fig. 14, col 23, line 13- col. 24, line 64*).

As to claim 12, Hughes discloses "generating, by the client, the one or more files for uploading to the server" as a server farm that generates files (214 Fig. 2), "generating, by the client, a profile associated with each of the one or more files" as profiles generated by the configuration server (col. 8 ln. 5-8, 38-40), and "uploading, by the client, the profile and the each of the one or more files to the server" as these profiles and files are then 'uploaded' to the local server (col. 5 ln. 30-32). The local server of Hughes does not have to be the same server as the configuration server (Fig. 1 100, 104). Although Hughes uses the word 'server' to describe both machines the server farm 'uploads' to the local server thus behaving as a client/server architecture. Although Hughes does not explicit disclose these functions are performed by "the client" as in the same client that requests downloading of files, it would have been obvious to

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one of ordinary skill in the art at the time of the invention that these functions as disclosed by Hughes and performed by the server farm can be pushed down to the client level. Hughes teaches a proxy server (col. 5 ln. 24-25), the purpose of this is to relieve load from the central server. One of ordinary skill in the art would recognize that by moving functions to the client, the load would be further reduced.

Claim 13 introduces identical limitations of claim 1,4; therefore, it is rejected under the same rationale as in claims 1,4.

Claims 14-23 introduce identical limitations of claims 2-3, 5-12; therefore, they are rejected under the same rationale as in claims 2-3, 5-12.

Claim 24 corresponds to the apparatus claim of claim 1; it is rejected under the same rationale as in claims 1.

Claims 25-35 introduce identical limitations of claims 2-12; therefore, they are rejected under the same rationale as in claims 2-12.

Claim 37 corresponds to the system claim of claim 1; it is rejected under the same rationale as in claims 1.

Claims 38-46 introduce identical limitations of claims 4-12; therefore, they are rejected under the same rationale as in claims 2-12.

Regarding claim 47, Hughes discloses "in response to requesting downloading of the selected file, automatically determining the identity of and initiating downloading of the at least one sub-associated file of the selected file to occur at substantially the same time as the at least one associated file, the at least one associated file needing access, either directly or indirectly, to the at least one sub-associated file in order to be used, the at least one associated file including instructions to access the at least one sub-associated file, the at least one sub-associated file identified by a separate profile associated with the at least one associated file" as a way to keep track of user data. Hughes discloses a user storage server (col. 8 ln. 47-49, Fig. 2), data from this server is downloaded to the client substantially at the same time as the selected file and the associated file. The data from this server represents the sub-associated files. Hughes discloses that when a user requests an application the data that the user has previously stored for that application is downloaded as well (col. 8 ln. 47-49). In order to download this user data with the OS and application the application must reference that the user has data, this reference is the separate profile that identifies the sub-associated file.

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Thus Hughes discloses that a user requests a selected file (application) a server includes all needed files (selected files) and a server gets the user data (sub-associated files) for that application (col. 7 ln. 60-61, col. 8 ln. 5-9, 45-49).

Regarding claims 48-50, they correspond to claim 47 and are rejected for similar reasons.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komuro US 6,195,678 B1 discloses a resource management system which automatically downloads required files.

Yen et al. US 2002/0032758 A1 discloses a client requesting a configuration file from a server which contains associated files that are required to execute an application.

Kieffer US 7,231,644 B2 discloses downloading application code that is required.

Franco et al. US 6,687,745 B1 discloses a client requesting content from a server which includes links for obtaining additional information if needed.

Martin US 6,636,885 B1 discloses packaging files that are required for a client.

Halpern et al. US 6,282,711 B1 discloses installing software on a client remotely based on user requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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